IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 12430 of 2007(D)

OP.10/1994 of PRL.SUB COURT, KOZHIKODE

.....

PETITIONER:

VALSA JACOB, W/O.C.K.JACOB, JASILA
PARK, 10/579, FAROKE, CALICUT.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

---

1. UNION OF INDIA,
REPRESENTED BY THE EXECUTIVE ENGINEER,
CALICUT CONTROL DIVISION,
CENTRAL PUBLIC WORKS DEPARTMENT,
CALICUT.

2. V.NAINANI, ARBITRATOR,
MINISTRY OF URBAN DEVELOPMENT
JANAPATH BHAVAN, NEW DELHI.

BY SRI.JOHN VARGHESE (ASST. S.G.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.12430/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PETITION WHICH WAS NOW PENDING BEFORE THE SUBORDINATE JUDGE , KOZHIKODE AS O.P. NO.10/1994

EXT.P2: COPY OF THE AWARD CASE NO.ARB/VN/241 DATED 31.3.1993

EXT.P3: COPY OF the ORDER IN I.A. NO. 1268/2003 IN O.P. NO.10/1994 DATED 31.1.2004

EXT.P4: COPY OF the ORDER IN I.A. NO. 623/2004 IN O.P. NO. 10/94 DATED 4.12.2004

/TRUE COPY/

P.A.T O JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 12430 of 2007

Dated this the 27th day of June , 2007

JUDGMENT

I have already disposed of two connected writ petitions (W.P.(C)Nos.19316/2004 & 28651/2005) by separate judgments. Prayer in this writ petition is only that the court below be directed to have an early disposal of the original petition filed by the petitioner under Section 30 of the Arbitration Act seeking to set aside the award passed by the Arbitrator. In view of the obvious position that the original petition itself had been pending before the court below for the past 13 years the relief sought for by the petitioner has to be granted.

Accordingly, the writ petition will stand allowed and the subordinate judge, Kozhikode is directed to dispose of O.P.10/1994 at the earliest and at any rate within six weeks of receiving a copy of this judgment.

The Registry will transmit the entire lower court records

immediately so as to enable the court below to comply with the above directions.

PIUS C. KURIAKOSE,
JUDGE.

dpk